

ORIGINAL

Approved: Kimberly J. Ravener
 DAVID W. DENTON, JR. / KIMBERLY J. RAVENER
 Assistant United States Attorneys

Before: HONORABLE HENRY B. PITMAN

United States Magistrate Judge
 Southern District of New York

19MAG1384.

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UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
- v. -	:	Violations of 18 U.S.C. §§ 2339B & 2
JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," a/k/a "Jihadinhear," a/k/a "Jihadinheart," a/k/a "Lionofthegood,"	:	COUNTY OF OFFENSE: NEW YORK
Defendant.	:	

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STATE OF NEW YORK)	
)	ss.:
COUNTY OF NEW YORK)	

SETH YOCKEL, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

(Attempted Provision of Material Support and Resources to a Designated Foreign Terrorist Organization)

1. From at least in or about November 2018, up to and including February 7, 2019, in the Southern District of New York and elsewhere, JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, knowingly and intentionally attempted to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, personnel (including himself) and services, to a foreign terrorist organization, to wit, Lashkar e-Tayyiba ("LeT"), which at all relevant times was designated by the Secretary of State as a foreign terrorist organization, pursuant to Section 219 of the Immigration and Nationality Act ("INA"),

and is currently designated as such as of the date of the filing of this Complaint, knowing that LeT was a designated terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that LeT engages and has engaged in terrorist activity (as defined in Section 212(a)(3)(B) of the INA), and that LeT engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act ("FRAA"), Fiscal Years 1988 and 1989).

(Title 18, United States Code, Sections 2339B and 2.)

COUNT TWO

(Conspiracy to Provide Material Support and Resources to a Designated Foreign Terrorist Organization)

2. From at least in or about November 2018, up to and including February 7, 2019, in the Southern District of New York and elsewhere, JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, and others known and unknown, knowingly and intentionally combined, conspired, confederated and agreed together and with each other to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), to a foreign terrorist organization, to wit, LeT, which at all relevant times was designated by the Secretary of State as a foreign terrorist organization pursuant to Section 219 of the INA, and is currently designated as such as of the date of the filing of this Complaint.

3. It was a part and an object of the conspiracy that JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, and others known and unknown, would and did knowingly agree to provide LeT with material support and resources, namely personnel (including ENCARNACION) and services, knowing that LeT was a designated terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that LeT engages and has engaged in terrorist activity (as defined in section 212(a)(3)(B) of the INA), and that LeT engages and has engaged in terrorism (as defined in section 140(d)(2) of the FRAA, in violation of Title 18, United States Code, Section 2339B.

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal object thereof, JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, and his co-conspirators, committed the overt acts set forth below, among others:

a. In or about November 2018, ENCARNACION communicated with a co-conspirator located in another district in the United States, who is not named as a defendant herein ("CC-1") about ENCARNACION's desire to fight on behalf of terrorist organizations located outside the United States.

b. In or about November 2018, CC-1 directed ENCARNACION to contact an individual with whom CC-1 had previously communicated, who was in fact and unbeknownst to CC-1, an FBI undercover employee ("UC-1"). CC-1 indicated that UC-1 would be able to help ENCARNACION travel to Pakistan to join LeT and receive training to commit terrorist acts on behalf of LeT.

c. Between in or about November 2018 through the date of the filing of this Complaint, while located in the Southern District of New York, ENCARNACION communicated with UC-1 to arrange travel to Pakistan to join LeT.

d. On or about November 9, 2018, while located in the Southern District of New York, ENCARNACION wrote to UC-1, "you guys are against India. I read up on ya. You are beefing with India over Muslim land. . . . I fucking hate Hindus. . . . They can go to hell and I'm going to help you."

e. On or about November 10, 2018, ENCARNACION wrote to UC-1, "Will I live in Pakistan. I want to fight. . . . I want to execute. I want to behead."

f. On or about February 7, 2019, ENCARNACION attempted to board an international flight leaving New York City in order to travel to Pakistan to join LeT.

(Title 18, United States Code, Section 2339B.)

The bases for my knowledge and the foregoing charge are, in part, as follows:

5. I am a Special Agent with the FBI, and I am assigned to a counterterrorism squad. I have been personally

involved in the investigation of this matter. This affidavit is based in part upon my training and experience, my involvement in this and other investigations, my conversations with law enforcement agents and other people, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Overview

6. JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, is a 29-year-old resident of Manhattan, New York. As set forth in greater detail below, ENCARNACION is an LeT supporter who attempted to travel overseas to join LeT yesterday, i.e., February 7, 2019. Since November 2018, ENCARNACION has repeatedly expressed, in the course of recorded communications through a social media service with CC-1 and through an encrypted messaging service with UC-1, his allegiance to and support for LeT, and has discussed his desire and plans for joining LeT overseas so that he can receive training and participate in violent acts of terrorism. During those communications with UC-1, ENCARNACION told UC-1 that he had made arrangements to travel to a particular city in a particular country in Europe (the "European City" and "European Country," respectively), as the first step of traveling to Pakistan to join LeT. ENCARNACION purchased an airline ticket for a flight scheduled to depart on February 7, 2019, from John F. Kennedy International Airport, New York, New York ("JFK Airport"), to the European City (the "Flight"). On February 7, ENCARNACION traveled to JFK Airport, where he was arrested by the FBI after he attempted to board that flight to the European City.

Lashkar e-Tayyiba

7. On December 18, 2001, the United States Secretary of State designated Lashkar-e-Taiba, and its aliases Lashkar-e-Tayyiba, Laskar e-Taiba, and Army of the Righteous as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224. On December 26, 2001, the Secretary designated Lashkar e-Tayyiba ("LeT" - which is how the FTO will be referenced herein) as a Foreign Terrorist Organization ("FTO") under Section 219 of the INA. In the seventeen years

following those initial designations, and as recently as April 2, 2018, the Secretary has added numerous aliases to the designation, including: Army of the Pure; Army of the Pure and Righteous; Army of the Righteous; Lashkar e-Toiba; and Lashkar-i-Taiba.

8. The State Department has reported that LeT is a Pakistan-based terrorist group originally formed in the late 1980s to oppose the Soviet presence in Afghanistan. LeT has conducted operations, including several high profile attacks, since at least 1993, against targets in India, with the stated objective of ending Indian control of the province of Kashmir. In particular, LeT was responsible for the November 2008 attacks in Mumbai against luxury hotels, a Jewish center, a train station, and a popular café that killed 166 people – including six U.S. citizens – and injured more than 300. The group has also attacked Coalition Forces in Afghanistan. LeT uses assault rifles, machine guns, mortars, explosives, and rocket-propelled grenades, and continues to operate freely within Pakistan, holding public rallies, raising funds, and plotting and training for terrorist attacks.

CC-1 Identifies UC-1 as a Recruiter for LeT

9. Based on my training, experience, and my review of publicly available materials, I have become familiar with a particular encrypted messaging application accessible through both desktop computers and smartphones (the “Application.”) I have learned, among other things, that the Application provides end-to-end encryption of user communications. As a result, communications sent through the Application can be viewed only by a participant in the conversation. The Application has therefore become a popular means of communication among individuals who participate in violent extremist activity, as well as other types of crimes.

10. Based on my review of messages sent and received by CC-1 through the Application, I have learned the following, in substance and in part:

a. Between in or about October and November 2018, CC-1 communicated with an undercover FBI special agent (“UC-2”) through the Application. In sum and substance, UC-2 represented himself to CC-1 as an American who was interested in traveling overseas to join LeT.

b. On or about October 30, 2018, UC-2 represented to CC-1 that he was "flying out tonight inshaAllah [God willing¹]."

c. On or about October 31, 2018, CC-1 asked UC-2, "Where are you?" UC-2 responded, "Alhamdulillah [Praise be to Allah] Pakistan akhi [brother].² InshaAllah [God willing] I will be training with the mujahideen of lashkar e Tayyiba soon."

d. On or about November 2, 2018, UC-2 contacted CC-1 to tell him the following (footnotes added):

Assalamualaikum akhi [Peace be upon you brother], i made it! InshaAllah [God willing] my training with the lions of Lashkar starts today. Soon I will be fighting as a mujahideen. . . . Akhi they say they are still in need of fierce brother, even from teh [sic] west as long as they are trusted. If this is Allah's path for you, then just know the route is open. They gave me contact for an akhi who can help ikhwa [brothers] from the west make hijrah.³ If you want this, contact [UC-1] on [the encrypted messaging service]. I can be your tazkiyah.⁴ If you contact this akhi, say your brother is [UC-2].

¹ Throughout this complaint, English text in italics enclosed in brackets is based on preliminary draft translations of the preceding Arabic text by a speaker fluent in Arabic.

² Based on my training and experience, including conversations with a fluent Arabic speaker, I have learned, among other things, that "akhi" is an Arabic word meaning "brother," and is a commonly used term used by violent extremists to refer to trusted individuals, regardless of their familial relationship.

³ Based on my training and experience, I have learned that "hijrah" (or "hijra") is an Arabic term normally used to refer to migration, but which is also used by supporters of terrorist organizations to refer to traveling overseas to join those terrorist organizations and engage in jihad.

⁴ Based upon my conversations with other law enforcement agents, I understand that "tazkiyah" refers to the act of a trusted individual and/or member of a FTO vouching for another individual who is not previously known to the organization.

e. Also on or about November 2, CC-1 contacted UC-1 through the Application at the username provided by UC-2. CC-1 told UC-1, "Y[o]u know my [b]r[o]ther [UC-2]." The following day, after UC-1 asked CC-1 how CC-1 had obtained UC-1's contact information, CC-1 sent UC-1 a screenshot of the messages between CC-1 and UC-2 described *supra* ¶ 10(a)-(d).

f. On or about November 3, 2018, CC-1 continued to communicate with UC-1, writing, "iam lone wolf and lone lion of tawhid [the one god]." CC-1 described his intentions that "[i]f things go south for me here, I will join [UC-2] in pakistan . . . I want to slau[g]hter hindu kufur [infidels] who rape [o]ur muslim sisters in Kashmir. And i want t[o] destroy t[h]eir fuc[k]ing idols."

CC-1 Introduces ENCARNACION to LeT

11. Based on my training, experience, and my review of publicly available materials, I have become familiar with a particular social media service accessible through both the Internet and through a smartphone application (the "Social Media Service"). I have learned, among other things, that the Social Media Service allows users to upload pictures, comment on pictures, and send private messages both to groups of other users and in direct messages with other individual users.

12. Based on my review of messages sent and received by JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, through the Social Media Service, I have learned the following, in substance and in part:

a. On or about November 1, 2018, ENCARNACION began sending messages through the Social Media Service to what one participant described as "a group chat for American Jihadis," consisting of nine participants, including CC-1 (the "Jihadi Group"). ENCARNACION introduced himself to the Jihadi Group by saying, "I want to fight till death alongside the Islamic State. . . . I'm a lone wolf looking for a family I can strike the crusaders. . . . I want to be part of a family willing to kill not afraid of death. I want weapons training."

b. On or about November 3, 2018, CC-1 sent a private direct message to ENCARNACION through the Social Media Service, introducing himself as "a brother in islam." In response to ENCARNACION's statement that he wanted "to fight for change," CC-1 instructed ENCARNACION, "Before you think about ji[h]ad, seek knowledge, learn islam . . . stu[d]y the hero[e]s

of islam," and identified a number of individuals as such, including "An[w]ar awlaki" and "Osama bin ladin."

c. On or about November 4, 2018, ENCARNACION and CC-1 continued to communicate through the Social Media Service. ENCARNACION told CC-1 that he was "from New York" and that his "family's Dominican." CC-1 responded that he was located in another state in the United States, and sent a picture of himself to ENCARNACION. ENCARNACION told CC-1 that he wanted "to be a true child/soldier of God." CC-1 replied, "Dont say child. . . . Just say soldier."

d. On or about November 5, 2018, ENCARNACION sent a message to CC-1 stating, "I want to join ISIS." CC-1 responded, "Have fun with that . . . There is [n]o point in fi[g]hting f[o]r them. They h[a]ve no territory. . . . All youll be[]used for[]is to take bul[l]ets." ENCARNACION responded, "Who is worth it in your eyes." CC-1 replied to ENCARNACION, "Lashker e taiba."

CC-1 Attempts to Put ENCARNACION in Contact with an LeT Recruiter

13. Based on my review of messages sent through the Social Media Service, I have learned, among other things, that on or about November 5, 2018, after CC-1 informed JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, that he considered LeT to be "worth it," ENCARNACION asked CC-1, "Do you have connections." In response, CC-1 asked ENCARNACION if he had an account to communicate using the Application. ENCARNACION stated that he did, and told CC-1 that his username was "Jihadistsoldgier." CC-1 then sent ENCARNACION UC-1's Application username and instructed ENCARNACION to "[g]o contact him." ENCARNACION asked CC-1, "Who is he," to which CC-1 responded, "He is in Pakistan. They will he[l]p y[o]u get to lashker e taiba." ENCARNACION asked CC-1 "They will train me . . . ? I want to be a strong soldier." CC-1 responded "Yes they will train you."

14. Based on my review of messages sent through the Application, I have learned the following, in substance and in part:

a. On or about November 5, 2018, after the exchange of messages on the Social Media Service described *supra* ¶ 13, CC-1 contacted UC-1 through the Application, stating, "A salam alaykom [Peace be upon you] i found a [b]r[o]ther who

wan[t]s to go do jihad fisimbillah [*in the cause of Allah*]. He is new muslim s[t]ill needs [t]o learn quran an[d] pray. I[]am giv[i]ng him y[o]u[r] [contact information on the Social Media Service and the Application]. So he will be a lashker e taiba fighter."

b. On or about November 5, 2018, after the messages described above, JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, contacted UC-1 using the Application, stating, "I seek training guidance and brotherhood."

c. The Application allows users to select both a username and a display name, and to upload a small picture that is visible to recipients of messages from the user. At the time that ENCARNACION contacted UC-1 on or about November 5, 2018, the username on his Application account was "Jihadistsoldgier," and the display name was "Jihadinhear." The picture displayed was a portion of a black flag containing Arabic script that is commonly associated with the terrorist organization the Islamic State of Iraq and al-Sham ("ISIS").

15. Based on my review of messages sent through the Social Media Service, I have learned, among other things, that on or about November 6, 2018, JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, told CC-1 that he "went to mosque to learn no one wanted to teach me." CC-1 asked ENCARNACION, "W[h]at did you say at the mosque," and instructed him, "Dont ment[i]on isis or terrorism akh[i].." ENCARNACION reiterated, "I want to join group like isis al qaeda or Taliban. I just don't have connections. I want to learn. Fight. Kill. Die. And go to paradise. Can you help me please."

16. Based on my review of encrypted messages sent through the Application, I have learned the following, in substance and in part:

a. On or about November 7, 2018, UC-1 responded to JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, with a common greeting in Arabic, to which ENCARNACION responded, "I want to join an Islamic State group." UC-1 then asked ENCARNACION who had given him UC-1's contact information. ENCARNACION responded that he had learned it from CC-1, stating that he "met [CC-1] on [the Social Media Service] he recommended

I spoke [sic] to you he's my friend," and including a screenshot of CC-1's profile on the Social Media Service.

17. Based on my review of messages sent through the Social Media Service, I have learned, among other things, that on or about November 7, 2018, JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, told CC-1, "He contacted me back. The guy you recommended. He asked me who gave me his information. Tell him about me please." CC-1 replied, "Tell h[i]m me. [CC-1]. . . . Tell him i know [UC-2] a[n]d that I talked to h[i]m earlier." ENCARNACION then asked CC-1, "Who will I be joining??? What organization." CC-1 replied, "Laskher e taiba. Or LeT. They aare [sic] a group in pakistan. [Th]ey have way [b]etter fund[i]ng[]. And they operate in kash[m]ir afghanistan and india."

18. Later on or about November 7, UC-1 contacted CC-1 through the Application, asking CC-1 if he was familiar with ENCARNACION's username in the Application. CC-1 responded, "Yes that's him. I kn[o]w him. He wants to [f]ight for sake o[f] god be a soldier and d[i]e and go to p[a]radis[e]."

19. Following the exchange described *supra* ¶ 18, later on or about November 7, CC-1 contacted ENCARNACION through the Social Media Service and exchanged the following messages:

a. CC-1 told ENCARNACION, "I told [UC-1]. You wan[t]ed t[o] bec[o]me a soldier and fig[h]t for Allah swt⁵. . . A[n]d die and g[o] to paradise." ENCARNACION reiterated that "I want to be a solider of Allah." CC-1 continued, "T[h]is man," apparently referring to UC-1, "He is g[oi]ng to help you get from America to pakistan. . . And t[h]en they w[i]ll get you ther[e]." CC-1 then sent ENCARNACION a screenshot of CC-1's communications with UC-1 through the Application described *supra* ¶ 18.

b. CC-1 then told ENCARNACION, "Your nearly all set. Its best we cut links. . . . Its safety rea [sic]. . . No need for me." ENCARNACION responded, "Why not. You helped me. I appreciate you." CC-1 stated, "If they f[o]und out your gone be[]cause of me, they will be at my fucki[n]g a[p]artment building raiding my fucki[n]g house." CC-1 continued that

⁵ Based on my training and experience, I understand that "swt" is a common abbreviation for the Arabic phrase "subhanahu wa-ta'ala," meaning "glorious and exalted is He," and is commonly placed after "Allah" in Islamic texts.

ENCARNACION would "get to comple[t]e what you want" as long as he did not "bitch out or pussy [o]ut." CC-1 told ENCARNACION to "[h]ave fun in Pakistan" and to "te[x]t me on [the Application] when you make it."

20. Several hours later on or about November 7, 2018, UC-1 responded to ENCARNACION through the Application, instructing him to remove his account picture containing the ISIS flag, see *supra* ¶ 14(c), because "it draw[s] to[o] much attention." ENCARNACION responded that he had done so, and screenshots of the Application reflect that ENCARNACION did in fact remove his picture. ENCARNACION continued in the conversation to describe his intentions, stating:

Im going to tell you something about myself.
Im a soldier of Allah a good Muslim but
ready to kill and die in the name of Allah I
want to go to paradise I need help I want to
join Islamic State I want to be a soldier. . .
. . . I dedicate my life to Islam. I hate
America. . . . They will [n]ever kill Islam.
. . . I will fight for that.

a. ENCARNACION continued and identified his location as being in New York, and his age as 28.⁶ UC-1 asked ENCARNACION if he intended to leave there to "travel for jihad," and ENCARNACION confirmed that he was planning to do so. UC-1 asked ENCARNACION to consider that decision and to pray about it, stating that "[i]f after you still want this, we talk." The following day, on or about November 8, 2018, ENCARNACION responded, "I made my decision I want to do this get back to me when you can I got to go to mosque it's going to be prayer time."

ENCARNACION Arranges to Travel to Join LeT

21. Between November 5, 2018, and the date of the filing of this Complaint, JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, exchanged hundreds of messages through the Application with UC-1. In sum and substance, ENCARNACION's communications with UC-1 fall into two categories: (a) statements of ENCARNACION's commitment to join LeT for the purpose of participating in its terrorist activities, and (b)

⁶ Based on my review of public records, I have learned that ENCARNACION's 29th birthday occurred after November 7, but before the date of the filing of this Complaint.

discussions of the logistics of ENCARNACION's planned travel to Pakistan, via the European Country, to join LeT. Some examples of these discussions include the following:

ENCARNACION's Commitment to LeT and Violent Jihad

a. Based on my review of ENCARNACION's messages with UC-1 through the Application, I have learned, among other things, that ENCARNACION specifically committed to join LeT in order to fight in Pakistan against India. In particular, ENCARNACION expressed a desire to serve as an "executioner" and to commit acts of murder on behalf of LeT, as described below.

b. On or about November 8, 2018, ENCARNACION exchanged the following messages with UC-1:

UC-1: What role you want with mujahideen?
ENCARNACION: Executioner
UC-1: This not for weak heart akhi [brother]
ENCARNACION: I have a strong heart I'm asking for this
role for a reason
* * *
UC-1: Our group heart of lion. You hear of it?
Lashkar tayiba.
ENCARNACION: No. I did some research on your group.
UC-1: You find good research? Pure intention
and line with Allah subhana wa taala [].
ENCARNACION: Yes.
UC-1: You want join our group akhi. You get
best training and heart of lion?
ENCARNACION: Yes.

c. On or about November 9, 2018, ENCARNACION exchanged the following messages with UC-1:

ENCARNACION: I'm home.^[7] Talk to me.
* * *
UC-1: You fire weapon befor[e]?
* * *

⁷ Based on my review of Department of Motor Vehicle records, and my conversations with law enforcement officers who have conducted surveillance of JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, I have learned that ENCARNACION resides at a location in the Washington Heights neighborhood of Manhattan, New York.

ENCARNACION: Only handguns. . . I want to shoot machine guns assault rifles but never have only handguns.

UC-1: You strong to carry rifle?

ENCARNACION: I believe I'm strong enough.

UC-1: Alhamdulillah [Praise be to Allah].

ENCARNACION: So you guys are against India. I read up on ya. You are beefing with India over Muslim land. Or is that incorrect.

UC-1: Na'am hindu kaffir in India steal Kashmir. Oppress muslims.

ENCARNACION: Oh.

UC-1: We strike heart of india. . . You hear mumb[a]i attack?

* * *

ENCARNACION: Yes.

UC-1: This great victory [sic] against india

ENCARNACION: I fucking hate Hindus.

UC-1: For murder of muslims. Hindu hate muslims.

ENCARNACION: They can go to hell and I'm going to help you.

d. On or about November 10, 2018, ENCARNACION exchanged the following messages with UC-1:

ENCARNACION: Will I live in Pakistan. I want to fight.

UC-1: You come Pakistan and train

ENCARNACION: That's why

UC-1: Become soldier of Allah. Best soldiers.

ENCARNACION: Yes!

* * *

UC-1: Get weapon training an[d] islam teach[i]ng.

ENCARNACION: I'm going to mosque to learn. Yes! This is my will come true. I'm so happy. True blessing from Allah.

UC-1: Then get specializ train where need more muajhiden [sic].

* * *

ENCARNACION: I want to execute. I want to behead. Shoot.

e. On or about November 21, 2018, ENCARNACION exchanged the following messages with UC-1:

UC-1: We have bro many places.

ENCARNACION: Im happy.

UC-1: More connection than oth[e]r groups like
daesh o[r] al qaeda.

ENCARNACION: I want to do beheadings. ExecutionS.

UC-1: Yes akhi. You be train in this.

ENCARNACION: Thank you.

f. On or about December 22, 2018, ENCARNACION exchanged the following messages with UC-1:

ENCARNACION: I want to be soldier.

UC-1: You need strong heart.

ENCARNACION: I want to be respected. I have strong heart. I want to kill infidels. This is EVERYTHING I ever wanted.

UC-1: Good ahki.

ENCARNACION: I don't coward out.

UC-1: Killing can be hard at first akhj [sic].

ENCARNACION: This is until death. I believe it'll be easy for me. . . I feel the death of my enemies from my heart. I will have no feelings for them. I wanted to be a soldier since I was little. And I understand killing is part of it.

* * *

ENCARNACION: You will make me executioner? Please. I want to kill on video. Terrify our enemies.

* * *

ENCARNACION: I want to learn beheading. Shooting. Military fighting.

g. On or about January 4, 2019, ENCARNACION told UC-1, "The day is near in which I go for my Jihad."

h. On or about January 6, 2019, ENCARNACION exchanged the following messages with UC-1:

ENCARNACION: I always wanted to be soldier. I dreamed of this now it's reality. Ever since 9/11.

UC-1: Allah plan for you. Even before mus[l]im?

ENCARNACION: The terrorist attack. 9/11. I want to be one to attack. A major attack kuffar [infidels] treat me bad.

i. On or about January 7, 2019, ENCARNACION exchanged the following messages with UC-1:

ENCARNACION: I hate this country I can't wait to go to Pakistan.

UC-1: US all infidels. With the king Trump.

ENCARNACION: Yes I'd love to attack USA.

* * *

UC-1: Why you not do before?

ENCARNACION: I don't have guidance. I want to do like a bombing and shooting here. I don't have guns though.

* * *

ENCARNACION: I need to be executioner.

UC-1: Why you want akhi [brother].

ENCARNACION: It's my purpose.

j. On or about January 11, 2019, ENCARNACION exchanged the following messages with UC-1:

ENCARNACION: Im so excited that Im going to Jannah [paradise]. And I get to kill kuffar [infidels].

UC-1: InshaAllah [God willing].

ENCARNACION: Inshallah [God willing].

UC-1: Many kuffar [infidels].

ENCARNACION: Yes I can't wait to kill. Im going to be killing Indians?

UC-1: Hindus.

ENCARNACION: Good.

UC-1: Non muslims. Kuffar [infidels].

ENCARNACION: I can't wait. I want to learn guns bombs etc.

UC-1: You will learn.

ENCARNACION: I never used an AK. I love this gun.

UC-1: You learn kill.

ENCARNACION: Thank you.

ENCARNACION's Plans to Travel to Pakistan to Join LeT

k. Shortly after beginning to communicate with UC-1, ENCARNACION expressed an interest in leaving the United States to perform terrorist acts. On or about November 8, 2018, ENCARNACION told UC-1 that he "ha[d] to raise money and see if I can get into Pakistan." During the months that followed, ENCARNACION and UC-1 agreed on a plan that ENCARNACION believed would allow him to join LeT in Pakistan.

l. Also on or about November 8, 2018, ENCARNACION asked UC-1, "You got my back from New York to

Pakistan how is this supposed to work You sure I won't be arrested at airport . . . How am I supposed to do the traveling. From where to where." UC-1 instructed ENCARNACION that he should "buy flight out of US to other count[r]y. . . . In country you meet trsuted brohers [sic] who give[] you visa an plane tickry rest of way [sic]." Later that day, ENCARNACION told UC-1, "I'll be in paki soon."

m. On or about November 10, 2018, ENCARNACION and UC-1 exchanged the following messages, spelling out the proposed plan:

ENCARNACION: How are we going to get me there. What do I do. Where do I buy tickets from where to where. What story do I make up. How to fool airport officials. Please.

UC-1: I not give all detail yet. First flight from US to country wit[h] no visa need. We have 2 akhi in Canada. Many more in [the European Country]. [The European Country] best.

ENCARNACION: So go to [the European Country]?

UC-1: You arrive [the European Country], brothers meet you give you safe place for 2 day, visa and ticket.⁸

ENCARNACION: I just need the first steps or set of instructions.

UC-1: Then you fly to Pakistan.

ENCARNACION: Got it!

n. Later on or about November 10, 2018, UC-1 also explained to ENCARNACION that "[w]e need passport info so I send to LeT akhi who get you visa." ENCARNACION later asked, "What part you need," and UC-1 responded "Full name, birth, and number. Need for visa and for ticket to pak." ENCARNACION responded "Damn this risky but I'll send right now," and sent UC-1 an image of ENCARNACION's United States passport.

o. Over the course of the following weeks, in sum and substance, ENCARNACION and UC-1 had a number of conversations about possible sources from which ENCARNACION could procure the necessary funds to purchase a ticket as discussed.

⁸ Consistent with UC-1's role, these representations were not true and such persons did not exist.

p. On or about December 19, 2018, ENCARNACION told UC-1 that "I'm buying tickets today. I paid for ticket waiting I'll send it to you when available." Shortly thereafter, ENCARNACION sent UC-1 a screenshot of a flight confirmation for a ticket in the name of "JESUS WILFREDO ENCARNACION," indicating that ENCARNACION was planning to fly from JFK Airport to the European Country on February 7, 2019 on board the Flight.

q. On or about December 21, 2018, UC-1 told ENCARNACION, "When you land [the European City], the broth[ers] meet you at baggage. You just need tell me wh[at] you wearing before so they find you. And I t[e]ll them. Then you go wit[h] them rest way. They had visa and you[r] tick[e]t for Pakistan." ENCARNACION responded "Thank you."

r. On or about December 22, 2018, ENCARNACION asked UC-1, "Who will pick me up. Where. What do I look for. Want picture of me? So they know who to look for." UC-1 responded "A brother with us in [the European Country]. He meet you baggage claim in airport [sic]." ENCARNACION then sent UC-1 a photograph of himself.

s. On or about January 6, 2019, ENCARNACION told UC-1, "So I go to [the European City] brothers pick me up. I believe you have my picture. . . . I sent it so I don't get lost." ENCARNACION also confirmed to UC-1, "I got my story down. . . I go to [the European City] to go to Masjid [mosque]" and that he would tell anyone who asked that his purpose was to "meet scholar and learn Islam. I mention nothing about jihad. That's only our business. I won't slip."

22. Based on my review of records from a commercial air carrier (the "Airline"), I have learned, among other things, that a ticket was booked in the name of JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, on or about December 19, 2018, for travel from JFK Airport to the European Country on February 7, 2019.

ENCARNACION's Arrest While Attempting to Travel to Join LeT

23. Based on my participation in this investigation, my conversations with other law enforcement officers and others, and law enforcement surveillance, I have learned the following, in substance and in part:

a. At approximately 4:00 p.m. on February 7, 2019, FBI agents observed ENCARNACION leave his residence carrying a backpack and a suitcase and enter what appeared to be a livery cab.

b. Later that evening, FBI agents observed ENCARNACION arrive at JFK Airport, still carrying the backpack and suitcase.

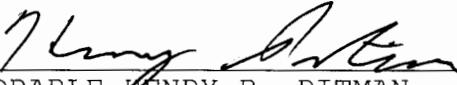
c. After arriving at JFK Airport, ENCARNACION checked in to board the Flight and passed through security, after which the FBI arrested him.

WHEREFORE, deponent respectfully requests that JESUS WILFREDO ENCARNACION, a/k/a "Jihadistsoldgier," "Jihadinhear," "Jihadinheart," "Lionofthegood," the defendant, be imprisoned or bailed, as the case may be.



SETH YOCKEL
Special Agent
Federal Bureau of Investigation

Sworn to before me this
6th day of February, 2019


HONORABLE HENRY B. PITMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK